

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

ROLAND MARTIN,

Defendant.

18-CR-834-7 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received a request renewed application from defendant Roland Martin seeking Martin's compassionate release, pursuant to 18 U.S.C. § 3582(c), in light of his recently having contracted COVID-19. Dkt. 589 ("Martin Ltr.").

Martin has been incarcerated since November 21, 2018. On June 27, 2019, he pled guilty to one count of participating in a racketeering conspiracy, based on his involvement in the violent Nine Trey Gangsta Bloods gang ("Nine Trey"), in which Martin was a high-ranking member. On October 11, 2019, this Court sentenced Martin to a below-Guidelines term of 66 months' imprisonment to be followed by three years' supervised release; the Court imposed a below-Guidelines sentence largely due to Martin's public renunciation of Nine Trey and the grievous injury he suffered in prison as a result. *See* Dkt. 367 ("Sentencing Tr.") at 32.

On April 8, 2020, Martin filed a letter motion seeking his release to home confinement on grounds relating to the COVID-19 pandemic. Dkt. 462. On April 10, 2020, the Court denied that motion on the grounds that Martin continued to pose a danger to the community and

because, with Martin having served only 16 months of his 66-month sentence, the § 3553(a) factors did not support his release. *See* Dkt. 465 at 8.¹

On December 8, 2020, Martin tested positive for COVID-19. Martin Ltr. at 2. In his recent letter again seeking compassionate release, he contends that the Bureau of Prisons is poorly equipped to care for inmates with COVID-19. *Id.* at 3–4. He further points to his rehabilitative efforts following his incarceration. *See id.* at 5. The Court is sympathetic to Martin’s condition, particularly given his prior injury, *see* Dkt. 465 at 1, and his rehabilitative efforts are laudable. However, for substantially the same reasons articulated in the Court’s April 10, 2020 order denying Martin’s first motion for compassionate release, the § 3553(a) factors do not support his release at this time. Martin has only served approximately 27 months of his below-Guidelines sentence of 66 months. The Court does not believe that an effective sentence of that length would fairly take account of the § 3553(a) factors, even considering the heightened hardship that the COVID-19 pandemic works on inmates. Accordingly, the Court denies Martin’s renewed application for compassionate release.

The Clerk of Court is respectfully directed to terminate the motion pending at docket 589.

¹ The Court separately determined that it lacked jurisdiction to grant Martin’s motion for compassionate release due to the pending appeal of his sentence. *See* Dkt. 465 at 2–4. The Court had jurisdiction only to deny the motion or enter an indicative ruling. The same applies today, as Martin’s appeal is still pending in the Second Circuit. *See United States v. Martin*, No. 19-3365 (2d Cir.). *See* Fed. R. Crim. P. 37(a).

SO ORDERED.

A handwritten signature in blue ink that reads "Paul A. Engelmayer". The signature is written in a cursive, flowing style.

PAUL A. ENGELMAYER
United States District Judge

Dated: February 25, 2021
New York, New York